

SN 09/762,376; TSRI 663.1
 α 2,8/2,9 Polysialyltransferase

In the Claims:

Please cancel claims 1-6, without prejudice.

REMARKS

The specification has been amended to include ATCC accession numbers.

Restriction Requirement:

The claims of the present application were made subject to a restriction requirement. Applicant hereby elects Group II, viz., claims 7-8, directed to a process for converting substrate into product. Applicant's election is made without traversal. Consistent with this election, Applicant has cancelled claims 1-6, without prejudice.

The Examiner is requested to examine claims 7-8.

Respectfully submitted,



Donald G. Lewis
Reg. No. 28,636
The Scripps Research Institute
10550 N. Torrey Pines Road TPC-8
San Diego, CA 92037
March 31, 2003
(858) 784-2937



APPENDIX

VERSION OF SPECIFICATION WITH MARKINGS TO SHOW CHANGES MADE

RECEIVED

APR 10 2003

TECH CENTER 1600/2000

In the Specification, page 3, third paragraph (lines 14-16), please make the following amendment:

5 One aspect of the invention is directed to DNA plasmid (ATCC []) accession number PTA-594) designated as BL21/DE3(8,9 PST) containing the neuS gene from *escherichia coli* K92 and encoding α 2,8/2,9 polysialyltransferase from *escherichia coli* K92.

10

In the Specification, pages 8, third paragraph, lines 14 - 30), please make the following amendment:

15 A DNA plasmid designated as BL21/DE3(8,9 PST) containing the neuS gene from K92, obtained above, has been deposited with American Type Culture Collection (ATCC) on or before August 10, 1999 and has been assigned the ATCC accession number [] PTA-594. Briefly, the DNA (neus) was originated from *escherichia coli* K92 strain by PCR to clone the α 2,8/2,9 polysialyltransferase. The DNA was subcone in pRSET vestor (Invitrogen) and the resultant plasmid DNA (8,9 PST) was transformed into *escherichia coli* GL21(DE3). This deposit was made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty). This assures maintenance of a viable plasmid for 30 years from the date of each deposit. The plasmid will be made available by ATCC under the terms of the Budapest Treaty which assures permanent and unrestricted availability of the

20

25

APPENDIX

VERSION OF SPECIFICATION WITH MARKINGS TO SHOW CHANGES MADE

progeny of the plasmid to the public upon issuance of the pertinent U.S. patent or upon laying open to the public of any U.S. or foreign patent application, whichever comes first, and assures availability of the progeny to one determined by the U.S. Commissioner of Patents and Trademarks to be entitled thereto according to 35 U.S.C. §122 and the Commissioner's rules pursuant thereto (including 37 CFR §1.14 with particular reference to 886 OG 638). The assignee of the present application has agreed that if the plasmid deposit should die or be lost or destroyed when cultivated under suitable conditions, it will be promptly replaced on notification with a viable specimen of the same plasmid. Availability of the deposit is not to be construed as a license to practice the invention in contravention of the rights granted under the authority of any government in accordance with its patent laws.